



Order Filed on January 7, 2021
by Clerk
U.S. Bankruptcy Court
District of New Jersey

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

McMANIMON, SCOTLAND & BAUMANN, LLC

427 Riverview Plaza

Trenton, New Jersey 08611

(973) 681-7979

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Attorneys for Andrea Dobin, Chapter 7 Trustee

In re:

ALEXANDER J. FIGLIOLIA,

Debtor.

Case No. 17-20755 (KCF)

Honorable Kathryn C. Ferguson, U.S.B.J.

Chapter 7

**ORDER GRANTING ACCESS TO STORAGE UNIT PURSUANT TO
~~FEDERAL RULES OF CIVIL PROCEDURE 65(b)(1)(A) and (B)~~**

The relief set forth on the following page, numbered two (2) through three (3), is hereby
ORDERED.

(Page 2)

Debtor: Alexander J. Figliolia
Case No.: 17-20755 (KCF)
Caption of Order: Order Granting Access to Storage Unit Pursuant to Federal Rules of Civil Procedure
65(b)(1)(A) and (B)

THIS MATTER, having been presented to the Court by Andrea Dobin, the Chapter 7 Trustee (the “**Trustee**”) in the bankruptcy proceeding of Alexander J. Figliolia, Chapter 7 debtor (the “**Debtor**”), by and through her counsel, upon the filing of an *ex parte* application for entry of an order granting the Trustee access to the Debtor’s storage unit pursuant to Federal Rules of Civil Procedure 65(b)(1)(A) and (B) (the “**Application**”); and the Court having considered the papers in support of the Application; and good and sufficient cause existing for the granting of the *ex parte* relief as set forth herein without notice to the Debtor and/or the Debtor’s counsel,

THE COURT MAKES THE FOLLOWING FINDINGS OF FACT AND CONCLUSIONS OF LAW:

A. The trustee observed certain property located at 105 Middletown Road, Holmdel, New Jersey (the “**Property**”). The Trustee has further observed that the certain property is no longer on the premises.

B. Certain of the removed Assets are presumed to have been removed to storage unit(s) at U-Haul Storage of Manchester, including Unit 151 (collectively, the “**Units**”).

C. Injunctive relief is necessary to avoid any further removal, absconding and/or depletion of the Assets.

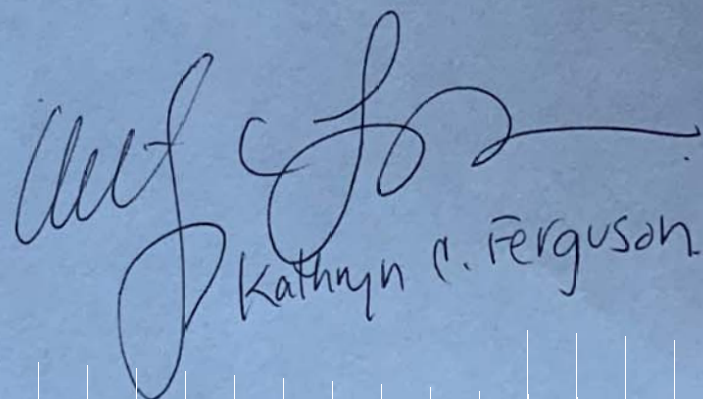
D. Removal of the Assets will result in irreparable harm to the estate as the specific assets removed will be unknown and leave the Trustee with no recourse with respect to the same.

E. Based upon the potential that such Assets were removed by the Debtor and placed in such Units, and the potential for the Debtor to remove the Assets before the Trustee can obtain access to the Units and control of the same, this temporary restraining order is being entered *without notice to the Debtor and/or Debtor’s counsel*.

IT IS HEREBY ORDERED AS FOLLOWS:

1. The Trustee is granted access to Unit 151 at the U-Haul Storage of Manchester, and any storage units at that location in the name of the Debtor (collectively, the "Units").
2. Any and all parties presented with this order be, and are hereby, directed to provide the Trustee with unfettered access and control of the Units. No entities, other than the Trustee and/or the Trustee's representatives, will be allowed access to the Units until further order of the Court and/or expiration of the restraints contained in this Order.
3. This Order will expire at 5pm on January 19, 2021, without prejudice to the Trustee seeking an extension of this Order and/or an agreement with the Debtor for a further extension.
4. A hearing shall be conducted on the Trustee's request for preliminary injunction on January 19, 2021 at 11:00 am. Telephonic appearances will be required to prosecute or object to the requested preliminary injunction.
5. The Trustee may be authorized to remove items from the Units after the hearing on the preliminary injunction.
6. Notice of the hearing must be provided to Debtor through his counsel by email no later than January 8, 2021
7. Any request to dissolve these temporary restraints may be made to the court on two days notice.

January 7, 2021
4:17 pm


Kathryn A. Ferguson

In re:
Alexander J Figliolia
Debtor

Case No. 17-20755-KCF
Chapter 7

CERTIFICATE OF NOTICE

District/off: 0312-3
Date Rcvd: Jan 11, 2021

User: admin
Form ID: pdf903

Page 1 of 2
Total Noticed: 1

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jan 13, 2021:

Recip ID	Recipient Name and Address
db	+ Alexander J Figliolia, 8 Henley Circle, Manchester, NJ 08759-6081

TOTAL: 1

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jan 13, 2021

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on January 11, 2021 at the address(es) listed below:

Name	Email Address
Andrea Dobin	ecftrustead@msbnj.com NJ55@ecfcbis.com
Andrea Dobin	on behalf of Trustee Andrea Dobin adobin@msbnj.com
Brandon David Sherr	on behalf of Creditor Segundo Marcial Saeteros-Campoverde bsherr@zellerlegal.com mgutierrez@zellerlegal.com,jazeller@zellerlegal.com
Bunce Atkinson	on behalf of Debtor Alexander J Figliolia bunceatkinson@aol.com
Bunce Atkinson	on behalf of Accountant Barbara Rizzi bunceatkinson@aol.com
Bunce Atkinson	

District/off: 0312-3

User: admin

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Date Rcvd: Jan 11, 2021

Form ID: pdf903

Total Noticed: 1

on behalf of Attorney Atkinson & DeBartolo PC bunceatkinson@aol.com

Douglas J. McDonough

on behalf of Creditor THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORKSUCCESSOR
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REVOLVING HOME EQUITY LOAN TRUST, SERIES 2005-K DMcDonough@flwlaw.com

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on behalf of U.S. Trustee United States Trustee lauren.bielskie@usdoj.gov

Melissa N. Licker

on behalf of Creditor THE BANK OF NEW YORK MELLON f/k/a THE BANK OF NEW YORK as Trustee for CHL Mortgage
Pass-Through Trust 2003-48 Mortgage Pass-Through Certificates Series 2003-48 by Nationstar Mortgage LLC, the servi
NJ_ECF_Notices@mccalla.com, mcallaef@ecf.courtdrive.com

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Pass-Through Trust 2003-48 Mortgage Pass-Through Certificates Series 2003-48 NJ_ECF_Notices@mccalla.com,
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Michele M. Dudas

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on behalf of Trustee Andrea Dobin mdudas@msbnj.com

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REVOLVING HOME EQUITY LOAN TRUST, SERIES 2005-K DMcDonough@flwlaw.com

U.S. Trustee

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on behalf of Creditor New Jersey Division of Taxation Valerie.Hamilton@law.njoag.gov

Ward Benson

on behalf of Creditor United States of America on behalf of the Internal Revenue Service ward.w.benson@usdoj.gov
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TOTAL: 24